

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
New York State Public Service Commission's)	NSD File No. L-01-159
Request for Delegated Authority For)	
Jurisdiction Over Area Code Changes Pursuant)	CC Docket 96-98
to 47 U.S.C. § 251(e)(1))	
_____)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AWS") respectfully submits these comments on the New York State Public Service Commission's ("NYPSC") request for broad delegated authority to make area code changes outside the context of area code relief planning.¹

I. INTRODUCTION AND SUMMARY

The Federal Communications Commission ("Commission") has recognized on a number of occasions that the area code relief process is difficult and politically charged and that area code changes impose significant costs and burdens on customers and carriers alike.² For these reasons and to promote its overall number optimization goals, the Commission has adopted a variety of number conservation optimization measures in order to reduce (or at least delay) the

¹ See Public Notice, "Common Carrier Bureau Seeks Comment on the New York State Public Service Commission's Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1)," DA02-42, NSD File No. L-01-159, CC Docket 96-98 (rel. January 10, 2002) (Comments due January 30, 2002).

² See e.g. *Matter of Numbering Resource Optimization*, FCC 00-429, CC Docket No.99-200, CC Docket No.,96-98, Second Report and Order, Order on Reconsideration in CC Docket No.96-98 and CC Docket No.99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 16 FCC Rcd 306 at paras. 52, 63-70 (2000) ("*NRO Second Report and Order*"), *Matter of Numbering Resource Optimization*, FCC 00-104, CC Docket No.99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 at paras. 1, 123 (2000) ("*NRO First Report and Order*")

introduction of new area codes and the associated costs and burdens.³ In its petition, the NYPSC requests authority to change area code boundaries outside of the area code relief process.⁴ AWS is sympathetic to the NYPSC's attempt to be responsive to the expressed desires of certain communities to change their area codes. However, because of the costs and difficulties associated with boundary realignments and the potentially adverse impacts such changes might have on number optimization efforts, AWS submits that such changes should only be permitted where they are essential and where the benefits of making the change clearly outweigh the burdens. The NYPSC has not provided enough information about the specific boundary realignments referenced in its petition to enable the Commission to make such a determination.

II. THE NYPSC PETITION FAILS TO DEMONSTRATE THAT THE PROPOSED BOUNDARY REALIGNMENTS WOULD SERVE THE PUBLIC INTEREST

In its prior numbering orders the Commission has acknowledged that there are substantial costs and burdens associated with the NPA changes that occur in connection with area code splits.⁵ The costs and burdens associated with an area code boundary realignment are more significant because many, if not all, of the customers in the effected area would need to change their entire phone number (or at least the first 6 digits). This "whole telephone number change" would be necessitated by the likelihood that the NXXs in use in the geographic region seeking to change its area code would also be in use in the "new" area code. This is particularly the case where the geographic area has a large number of rate centers (like half of Ontario county).

³ See e.g. *NRO First Report and Order* at para. 1; *NRO Second Report and Order* at para. 52. Some of the conservation measures adopted the Commission are thousand block number pooling, code reclamation, sequential numbering requirements, and utilization thresholds. See *NRO First Report and Order* at para. 5 and *NRO Second Report and Order* at para. 10.

⁴ NYPDS Petition at 4.

⁵ For example, the Commission has noted that customers who have to change their area codes will have to incur the cost of changing stationary and advertising and reprogramming their Customer Premises Equipment. See *NRO Second Report and Order* at para. 63.

These higher costs and burdens would be borne by both customers and carriers.

It is not clear from the NYPSC petition if the towns and counties that are requesting the boundary realignments understood when they submitted their request that it was likely that their whole phone number would change or if the requesting individuals and boards consulted their citizenry about such a likelihood. However there is no doubt that the burdens associated with such a change would be substantial. In addition to the usual costs and burdens associated with an area code change,⁶ in the case of a boundary realignment, residents whose area code boundary is realigned would have to make a concerted effort to disseminate their new phone number to their family, friends and business associates.⁷

Boundary realignments are also more costly and difficult for carriers to implement. In addition to the normal switch translation and network work associated with an area code change, in the case of a boundary realignment carriers must update each effected customer's customer service and billing records to reflect the new telephone number. Although AWS is still investigating how it would accomplish such a change, it appears that the changes would have to be inputted manually, much as if the customer opened a new account. The customer care and notification costs for boundary realignment would also be significant.

The Commission must also consider the impact of boundary realignments on number optimization. Transferring a large block of customers from one area code to another would obviously greatly reduce the available numbers in the second area code, which in turn could accelerate the need for area code relief. This would be particularly problematic in a situation

⁶ For example businesses must reprint stationary and business cards, change advertising, and reprogram customer premise equipment (like PBXs).

⁷ This is in contrast to an area code change, where generally the area code change is well-publicized within the effected and neighboring communities.

where the second area code is approaching exhaust. It is difficult to know exactly what effect these realignments referenced in the NYPSC petition would have without more detailed information about the number of telephone numbers to be transferred and the projected exhaust dates of the area codes in question. The Commission cannot determine whether the boundary realignment proposed in the NYPSC would serve the public interest without such a detailed showing.

III. GRANTING THE NYPSC'S PETITION WOULD ESTABLISH A DANGEROUS PRECEDENT THAT WOULD UNDERMINE THE FINALITY OF DIFFICULT AREA CODE SPLIT DECISIONS

While AWS is sympathetic to the desire of the towns and counties referenced in the NYPSC petition to be included in a different area code, the concerns that they raise, such as greater political and economic ties with the area code which they seek to be merged into, are the same concerns raised by all cities and counties that are facing area code relief. The decision to split an area code typically engenders strong feelings and extensive lobbying efforts by the towns and counties affected by the split. The state public utility commission takes these concerns into account when it makes its often very difficult decision about what communities to place on each side of the area code split.

Allowing the NYPSC to change area code boundaries outside the context of area code relief would establish precedent that such decisions can be revisited -- either immediately or sometime later. This uncertainty could delay the implementation of area code relief and adversely impact conservation efforts.

IV. CONCLUSION

For the reasons stated above, the FCC should not grant the NYPSC's petition in its current form. However, the FCC should afford the NYPSC the opportunity to supplement its petition with a detailed analysis of the costs and benefits associated with particularly boundary

realignments.⁸

⁸ The Commission has adopted a similar procedure for states that wish to implement technology specific overlays. Specifically before a state commission can adopt a technology specific overlay, it must first file a petition with the Commission that demonstrates that the number optimization benefits of a technology specific overlay would be superior to an all-services overlay and addresses a number of other specified factors. *See Matter of Numbering Resource Optimization*, FCC 01-362, CC Docket No.99-200, CC Docket No.,96-98, CC Docket 95-116 Third Report and Order and Second Order on Reconsideration in CC Docket No.96-98 and CC Docket No.99-200, 2001 FCC LEXIS 6954 at para. 81.

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